

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Andrea Lee Sanders,

Civil No. 18-1138 (DWF/DTS)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Denver Human Service of Child Support  
Enforcement; Hennepin County/Human  
Service and Public Health Department  
Child Support Enforcement; Mississippi  
Department of Human Service,

Defendants.

This matter is before the Court upon Plaintiff Andrea Lee Sanders' objections (Doc. Nos. 12, 13, 14) to Magistrate Judge David T. Schultz's July 27, 2018 Report and Recommendation (Doc. No. 10) insofar as it recommends that this matter be remanded to Hennepin County District Court, Fourth Judicial District, State of Minnesota. Defendant Hennepin County filed a response to Plaintiff's objections on August 20, 2018. (Doc. Nos. 15, 16.) Plaintiff filed a self-styled motion to rebut on August 30, 2018. (Doc. No. 18.)

The background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. In the Report and Recommendation, the Magistrate Judge found that Plaintiff's attempt to remove a terminated state-court case to this Court is improper because he was not a defendant in the state-court case and the time for removal passed long ago. The Magistrate Judge also

noted that Plaintiff appears to seek to appeal the dismissal of the state-court case to this Court or, alternatively, to bring an independent lawsuit on the same grounds as the state-court case. The Magistrate Judge noted that any attempted appeal is foreclosed by the *Rooker-Feldman* doctrine and any attempt to revive an independent lawsuit is barred by the doctrine of *res judicata*. Finally, the Magistrate Judge noted that to the extent that Plaintiff seeks to bring claims that could not have been raised in previous litigation, those claims appear to be frivolous. The Magistrate Judge then recommended that the case be remanded, rather than dismissed, since this action was commenced with a notice of removal, rather than an independent pleading. Defendant Hennepin County objects to the Report and Recommendation only to the extent that it recommends remand, rather than dismissal with prejudice, noting that the lawsuit Plaintiff purports to remove has been dismissed with prejudice.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections. After carefully considering Plaintiff's objections, the Court finds no reason to depart from the Magistrate Judge's recommendation. Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised, the Court enters the following:

## **ORDER**

1. Plaintiff Andrea Lee Sanders' objections (Doc. Nos. [12], [13], [14]) to Magistrate Judge David T. Schultz's July 27, 2018 Report and Recommendation are **OVERRULED**.

2. Magistrate Judge David T. Schultz's July 27, 2018 Report and Recommendation (Doc. No. [10]) is **ADOPTED**.

3. This matter is remanded to Hennepin County District Court, Fourth Judicial District, State of Minnesota.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: October 17, 2018

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge